

JP

STATE OF MARYLAND

* CRIMINAL NO. C-10-CR-23-000516

VS

* IN THE CIRCUIT COURT FOR

TOMMY CUPP

* FREDERICK COUNTY, MARYLAND

STATE'S ANSWER TO DEFENDANT'S DEMAND FOR PARTICULARS

COMES NOW the State of Maryland, by Tammy M. Leache, Assistant State's Attorney for Frederick County, Maryland, and hereby files the following response to the Defendant's Demand for Particulars and states as follows:

1. That the Defendant is not entitled to a Bill of Particulars as a matter of right.
2. That the purpose of a Bill of Particulars is to inform the Defendant of the charges against him so that he may prepare his defense and guard against surprise.
3. That a Bill of Particulars is not to be utilized for the purpose of requiring the State to elect a theory upon which it intends to proceed.
4. That the Bill of Particulars filed in the instant matter does in fact require the State to elect a legal theory upon which it intends to proceed.
5. That any other information requested in the Bill of Particulars has already been provided to the Defendant by way of Criminal Indictment and Discovery.
6. That it is well settled case law in the State of Maryland that if the State feels the Defendant's request for Bill of Particulars is not well grounded, it is under no obligation to furnish particulars.
7. That Rule 4-241 does not contemplate that the State particularize all of the evidence it may offer as requested in Defendant's Motion.

8. As to Defense's Demand for Particulars, Count One:

- a. The offense occurred at 16013 Saint Anthony Road, Thurmont, Maryland.
- b. There was one incident of sexual abuse.

- c. The Defendant is the victim's Great Uncle.
- d. N/A.
- e. N/A.
- f. The Defendant put his mouth on the victim's penis.
- g. The Defendant put his mouth on the victim's penis.
- h. The Defendant put his mouth on the victim's penis.
- i. N/A.
- j. N/A.
- k. The Defendant put his mouth on the victim's penis.
- l. The Defendant put his mouth on the victim's penis.
- m. The victim did not sustain any physical injuries.

9. As to Defense's Demand for Particulars, Count Two:

- a. N/A.
- b. N/A.
- c. N/A.
- d. The Defendant's date of birth is August 20, 1968. The victim's date of birth is November 10, 2011, The incident is alleged to have occurred between April 1, 2022 and March 31, 2023.

Tammy M. Leache /s/
TAMMY M LEACHE
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POINTS AND AUTHORITIES

Pearlman v. State 232 Md. 251, 192 A.2d 767 (1963), cert. denied, 376 U.S. 943 (1964)

Haddar v. State 238 Md. 341, 209 A.3d 70 (1965)

Grant v. State 55 Md. App. 1 (1983)

MD Rule 4-241

Tammy M. Leache /s/
TAMMY M LEACHE
ASSISTANT STATE'S ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 2023, a copy of the foregoing State's Answer to Defendant's Demand for Particulars was sent via MDEC, a bulk download link via evidence.com and/or Citrix, a secure file sharing service, to the designated e-mail address and/or service contact for Rachel Reyes, Attorney for Defendant.

Tammy M. Leache /s/
TAMMY M LEACHE
ASSISTANT STATE'S ATTORNEY